

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on February 15, 2008, and the references cited therewith.

Claims 1 and 28 are amended, claims 2-23, 25-26, and 29-30 are canceled, and claims 31-33 are added; as a result, claims 1, 24, 27-28, and 31-33 are now pending in this application.

Priority

Examiner asserts that Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. because the prior filed application fails to disclose an emanator material physically separated from the housing as recited in claims 1, 28 and 29.

Claims 1 and 28 as amended no longer contained the limitation of an emanator material physically separated from the housing. Claim 29 has been cancelled.

§102 Rejection of the Claims

Claim 29 was rejected under 35 USC § 102(e) as being anticipated by Ohayon (U.S. 5,810,253) and under 35 USC § 102(b) as being anticipated by Konicek (4,632,310) or Woodruff (4,995,555).

Claim 29 has been cancelled.

§103 Rejection of the Claims

Claims 1, 24, 28 were rejected under 35 USC § 103(a) as being unpatentable over Ohayon (U.S. 5,810,253) in view of Muramoto et al. (U.S. 4,477,414).

Independent claims 1 and 28 have been amended to include the limitation of means for heating at least one of the volatile substance located within the housing and air located within the housing. Ohayon or Muramoto, either alone or in combination, do not teach or suggest this limitation. Accordingly, Ohayon or Muramoto, either alone or in combination, do not teach or suggest all the limitation of the claims depending from claims 1 and 28. Thus, claims 1, 24, 27-28, and 31-33 are not anticipated by Ohayon and Muramoto and Applicant respectfully requests withdrawal of this rejection.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (801-978-2186) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3586

Respectfully submitted,


ASHOK V. JOSHI ET AL.

By their Representatives,

Date

6/16/2008

By



David B. Fonda

Reg. No. 39,672